



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mailed: 7/18/05

NE

In re application of
Cupp et al.
Serial No. 10/052,949
Filed: January 17, 2002
For: DENTAL CARE PET FOOD

DECISION ON
PETITION

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT filed February 9, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of January 27, 2004, for failure to timely file a proper reply to the Office letter mailed June 18, 2003, be withdrawn since applicants did timely file a reply on December 18, 2003.

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence includes an enclosed copy of the postcard submitted with the Notice of Appeal and accompanying documents which were stamped by the USPTO on December 22, 2004. Also enclosed is a copy of the Transmittal Letter submitted with the Notice of Appeal which includes a certificate of mailing stating that the Notice of Appeal was submitted to the USPTO on December 18, 2004, indicating that the Notice of Appeal and accompanying documents were timely filed. Any holding of abandonment for failure to timely file a proper reply to the Office letter mailed June 18, 2003, therefore, is hereby vacated.

In view of the Notice of Rescinded Abandonment mailed by the USPTO on June 25, 2004, the application was returned to pending status. Accordingly, the Petition is **DISMISSED**.

Justine

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago, IL 60690